

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA

WILD VIRGINIA, VIRGINIA )  
WILDERNESS COMMITTEE, UPSTATE )  
FOREVER, SOUTH CAROLINA )  
WILDLIFE FEDERATION, NORTH )  
CAROLINA WILDLIFE FEDERATION, )  
NATIONAL TRUST FOR HISTORIC )  
PRESERVATION, MOUNTAINTRUE, )  
HAW RIVER ASSEMBLY, )  
HIGHLANDERS FOR RESPONSIBLE )  
DEVELOPMENT, DEFENDERS OF )  
WILDLIFE, COWPASTURE RIVER )  
PRESERVATION ASSOCIATION, )  
CONGAREE RIVERKEEPER, THE )  
CLINCH COALITION, CLEAN AIR )  
CAROLINA, CAPE FEAR RIVER )  
WATCH, ALLIANCE FOR THE )  
SHENANDOAH VALLEY, and )  
ALABAMA RIVERS ALLIANCE, )

Plaintiffs, )

v. )

COUNCIL ON ENVIRONMENTAL )  
QUALITY and MARY NEUMAYR IN )  
HER OFFICIAL CAPACITY AS CHAIR )  
OF THE COUNCIL ON )  
ENVIRONMENTAL QUALITY, )

Defendant. )

No. 3:20-cv-00045-JPJ

**PLAINTIFFS' NOTICE OF CONSENT TO INTERVENTION**

The American Farm Bureau Federation, American Fuel & Petrochemical Manufacturers,  
American Forest Re-source Council, American Petroleum Institute, American Road &  
Transportation Builders Association, Chamber of Commerce of the United States of America,  
Federal Forest Resource Coalition, Interstate Natural Gas Association of America, and National

Cattlemen's Beef Association (the "Business Associations") moved to intervene in this proceeding as defendant-intervenors on August 21, 2020. *See* ECF No. 37. At a status conference with the Court on August 24, 2020, the Court ordered the plaintiff Conservation Groups to respond to the proposed intervention motion before August 28, 2020. Subsequently, counsel for the Conservation Groups conferred with counsel for the Business Associations and reached the following terms:

Plaintiffs consent to the Business Associations' intervention, subject to the following conditions, to which counsel for the Business Associations has agreed:

1. The Business Associations will file briefs no more than two-thirds the length of Plaintiffs' principal brief.
2. The Business Associations will file briefs on the pending motion for preliminary injunction and the pending 12(b)(1) motion to dismiss simultaneously with the Defendants' briefs. With the Court's permission, the Business Associations will file all other briefs no later than seven calendar days after the Defendants file their corresponding brief. The Business Associations will endeavor to avoid duplicative briefing of matters already covered by the government Defendants.
3. The Business Associations will not file a Rule 12(b)(6) motion unless the Defendants do so first. In other words, the Business Associations will proceed directly from the Rule 12(b)(1) and preliminary injunction briefing to summary judgment.
4. The Business Associations will not initiate discovery. If discovery is initiated by Plaintiffs or Defendants, the Business Associations may participate in such

discovery, subject to any limits agreed upon by the parties or ordered by the Court.

Plaintiffs respectfully request the Court to include the above-listed conditions in any order granting the Business Associations intervention.

Respectfully submitted, August 27, 2020.

SOUTHERN ENVIRONMENTAL LAW CENTER

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 27, 2020, I electronically filed the foregoing Notice of Consent to Intervention with the Clerk of Court using the CM/ECF System, which will automatically send e-mail notification of such filing to all counsel of record.

/s/ Kimberley Hunter